

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREGORY AMATO,

Petitioner,

vs.

GREG SMITH, *et al.*,

Respondents.

3:10-cv-00670-LRH-VPC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner.

Petitioner has submitted a motion for leave to proceed *in forma pauperis* and a petition for a writ of habeas corpus. Based on the information regarding petitioner's financial status, the motion shall be denied. Petitioner will need to pay the full filing fee of \$5. However, petitioner shall be given an opportunity to pay the fee in this action prior to dismissal.

IT IS THEREFORE ORDERED that the motion for leave to proceed *in forma pauperis* (Docket #1) is **DENIED**. Petitioner shall have **thirty (30) days** from the date this order is entered in which to have the full \$5 filing fee sent to the Clerk. Failure to do so may result in the dismissal of this action.

IT IS FURTHER ORDERED that the Clerk **SHALL SEND** petitioner two copies of this order. Petitioner is ordered to make the necessary arrangements to have one copy of this order attached to the check in the amount of the full \$5 filing fee.

1 **IT IS FURTHER ORDERED** that the Clerk shall **RETAIN** the petition but not file it at
2 this time.

3 DATED this 28th day of October, 2010.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE